

REMARKS

This amendment is offered in response to the Office Action of April 9, 1999.

A new declaration is enclosed herewith.

With respect to the Examiner's statement that the priority documents do not support the presently pending claims, the Examiner is respectfully referred to the "cutting station 210" on page 8 of provisional application 60/035,051; the "vacuum belt" on the last line of page 15 of provisional application 60/035,051; and "holding the tape 100 material in position to be sealed at positioning station 240 with pinning devices 260. ... Seal single lip 250 to base web 110 with a sealing device" (provisional application 60/035,051, page 8, line 18 et seq.).

In response to numbered paragraphs 3-13, the Applicant has extensively amended the specification, claims, abstract and drawings. It is respectfully submitted that the various objections and rejections have been obviated.

Claims 9 and 13 have been amended to include the elements of Claim 1. Therefore, Claims 9-11 and 13-14, to which the Examiner rejected, are in immediate condition for allowance. The Examiner, however, is invited to telephone the Applicant's attorney if further amendments are needed to resolve formal matters.

The Examiner has rejected Claims 1, 8 and 15 under 35 U.S.C. §103(a) as being obvious over the Bodolay reference (U.S. Patent No. 5,776,045) in view of the Bois reference (U.S. Patent No.

5,884,452) and the Schroth reference (U.S. Patent No. 4,608,115). Similarly, the Examiner rejected Claim 2 under 35 U.S.C. §103(a) as being obvious over the Bodolay reference in view of the Bois and Schroth references and further in view of the Rajala reference (U.S. Patent No. 5,659,229; rejected Claim 3 as being obvious over the Bodolay reference in view of the Bois and Schroth and further in view of the Martin reference (U.S. Patent No. 3,659,767); and rejected Claim 12 under 35 U.S.C. §103(a) as being obvious over the Bodolay reference in view of the Bois and Schroth references and further in view of the Kühnhold reference (U.S. Patent No. 5,413,656).

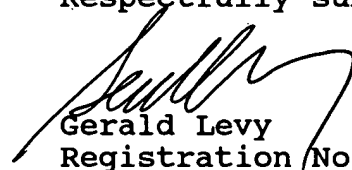
As a basis for the rejection of Claims 1, 8 and 15, the Examiner states in the second full paragraph of numbered page 6 of the application that "[i]t would have been obvious ... to have provided in Bodolay et al. that web 34 is, instead of just a fastener profile, a tape having profiles 38 thereon such that assembly 36 cuts the tape into sections and the tape is sealed to web 14 because Bois teaches that tape/fastener sections are an improvement over fasteners alone ... ". However, it is respectfully submitted that this rejection appears to be based on the benefit of hindsight gained by the review of present patent application. Moreover, the Bois reference appears to teach the application of tape along a longitudinal seam (or "longitudinal margins of the film", see col. 1, lines 32, 33, also see col. 2, last two lines through col. 3, line 7, referring to Figure 1) which is different from the present invention wherein the

profiles are placed "across said web of thermoplastic material" (Claim 1). There is nothing in the prior art which would suggest the combination of three and four references as submitted by the Examiner.

Moreover, the additional prior art cited by the Examiner has been reviewed but is not considered any more pertinent than the reference applied against the claims by the Examiner and distinguished herein.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw his rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Kane, Dalsimer, Sullivan and Levy, L.L.P.
711 Third Avenue
New York, New York 10017
212-687-6000